

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

WARREN EASTERLING,

:

Case No. 3:14-cv-217

Petitioner,

District Judge Walter Herbert Rice  
Magistrate Judge Michael R. Merz

-vs-

JUDGE MARY DONOVAN, et al., ,

Respondents. :

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**REPORT AND RECOMMENDATIONS**

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This case is before the Court on Petitioner's Motion for Relief from Judgment (ECF No. 11).

Plaintiff appears to believe, mistakenly, that this case has been dismissed because of this Court's determination that 28 U.S.C. § 1331 does not entitle a party to proceed if jurisdiction is barred by the *Rooker-Feldman* doctrine. Although the Court has made that determination in many other cases filed by Mr. Easterling, it has not made any such determination here.

Rather, this case was dismissed for want of prosecution because Mr. Easterling's motion to proceed *in forma pauperis* was denied and he never paid the filing fee. Since he has not tendered any filing fee with the Motion for Relief from Judgment, it should be denied.

September 9, 2015.

s/ *Michael R. Merz*  
United States Magistrate Judge

### **NOTICE REGARDING OBJECTIONS**

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within fourteen days after being served with this Report and Recommendations. Pursuant to Fed. R. Civ. P. 6(d), this period is extended to seventeen days because this Report is being served by one of the methods of service listed in Fed. R. Civ. P. 5(b)(2)(C), (D), (E), or (F). Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendations are based in whole or in part upon matters occurring of record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections within fourteen days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140, 153-55 (1985).